

**Final Examination
REMEDIES
Professor Cohen
Spring 2005**

INSTRUCTIONS:

- You have **three (3) hours** to complete this exam.
- This is a **closed** book exam which is worth 100% of your grade for this course.
- The exam consists of one essay and 40 multiple-choice questions.
- Use the Scantron answer sheet for all the multiple-choice questions.
- Write your **exam number** on your exam envelope, at the top of this exam packet, and on the Scantron answer sheet. **Do not use your name, student ID number, or Social Security Number on any exam materials.**
- When you have finished, return all test materials, Scantron answer sheet, scratch paper, and this exam packet to the envelope and submit to the proctor.

GOOD LUCK!

Part II: Essay Question

Between January 2003 and March, 2005, a set of incidents occurred in Andersonville, a city located in the State of Confusion, which led to litigation. The case resulted in a trial court decision in Confusion Superior Court, and now some of the interested attorneys for the plaintiffs have come to you, a State of Confusion expert attorney for advice.

What happened initially, and which resulted in the litigation, was that an Andersonville furniture store owner, by the name of Plesco, owned a store next to an abortion clinic. The clinic was detested by a large number of individuals, some of whom were residents of Andersonville, and some not, but all were members of or sympathetic to a group called "Life First". On January 15, 2003, pickets were set up in the area of the clinic, with many of them in the adjacent area of Plesco's store. They were loud, abusive and threatening. Plesco asked them to stay away from his property, but they refused, and vilified Plesco as an abortion sympathizer. Indeed, several pushed Plesco physically and as well Plesco lost business during that time. Plesco decided to bring suit, and sought damages including punitives as well as a permanent injunction against their picketing in the area in front of his store.

The case went to trial before a jury, and the jury awarded both compensatory damages in the amount of \$50,000, and punitive damages in the amount of \$5,000,000.00. After the

jury returned its verdict, Plesco asked the court for an order as to injunctive relief, and the order was granted. Unfortunately for Plesco, the picketing, abuse and resultant loss of business has continued. As well, attorneys for the defendant have asked the trial court to strike the award for punitive damages.

It turns out that the State of Confusion has never had an award of punitives previously, and so there is no state law on the subject. Plesco's attorneys have come to you for advice. They need to get some sense as to the state of the law as to punitives. They also need to know what to do about the continued picketing. For example, they don't know if they can go to court and seek its cessation, or whether they need to bring in the local prosecutor. In essence, they are asking you to both state the law, and devise a plan, as to their handling of both the punitives and the injunctive relief with resultant noncompliance. They have asked you for a well-organized memo on the subjects so that they can give it to their client, and be prepared to go forward in a sensible manner. Your responsibility, therefore, is to write the memo.

END OF EXAM